

Docket Number:2849

MOORE FLESHER TRUCKING CO., INC.

Dwight L. Koerber Jr., Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
STATE WORKMEN'S INSURANCE FUND

~~Reger H. Caffery, Chief Counsel~~  
Peter Von Getzie, Assistant Counsel

**March 31, 1999**

\*Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$38,000.+

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**April 8, 1999**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT [May 7, 1999.]

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**April 13, 1999**

Notice of Service filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 16, 1999**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 14, 1999.

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**April 19, 1999**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 12, 1999.

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**May 17, 1999**

Defendant's Preliminary Objections to Plaintiff's Complaint as well as Brief in Support of Preliminary Objections, Commonwealth of Pennsylvania, Department of Labor and Industry, State Workers Insurance Fund and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 7, 1999**

\*Plaintiff's Amended Complaint filed by attorney for Plaintiff.  
**AMOUNT OF CLAIM: UNCHANGED.**

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**June 17, 1999**

Motion to Compel Answer to Discovery filed by attorney for Plaintiff.

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**June 21, 1999**

Letter forwarded to attorney for Defendant requesting response to Plaintiff's Motion to Compel Answer to Discovery.

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**June 23, 1999**

Copy of Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant July 23, 1999.**

**June 25, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of June, 1999, it is **ORDERED** and **DECREED** that the Amended Complaint is accepted by the Board of Claims and, as a consequence, the Preliminary Objections are **DISMISSED** as being **MOOT**. When counsel for the Defendant responds to the Motion to Compel the Board will rule on that particular issue. Copies forwarded to both parties.

**June 28, 1999**

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 25, 1999.

**July 1, 1999**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 28, 1999.

**July 6, 1999**

Acceptance of Service of Opinion and Order dated June 25, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 30, 1999.

**July 8, 1999**

Protective Order Staying Plaintiff's Discovery Requests Pending Determination of Preliminary Objections; Motion for Protective Order from Plaintiff's Discovery Requests and Stay of Proceedings Pending Determination of Preliminary Objections filed by attorney for Defendant.

**July 8, 1999**

Order Denying Plaintiff's Motion to Compel Answer to Discovery; Defendant's Response to Plaintiff's Motion to Compel Answer to Discovery. Filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**July 16, 1999**

Defendant's Preliminary Objections to Plaintiff's Amended Complaint and Brief in Support of Preliminary Objections, Commonwealth of Pennsylvania, Department of Labor and Industry, State Workers' Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 9, 1999**

Reply of Plaintiff to Motion for Protective Order of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 16, 1999**

Brief of Plaintiff in opposition to Preliminary Objections of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 10, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 10th day of September, 1999, it is **ORDERED** and **DECREED** that further discovery is Stayed until an Opinion is issued on the Preliminary Objections to the Amended Complaint." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 14, 1999**

Acceptance of Service of Opinion and Order dated September 10, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 14, 1999.

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**September 17, 1999**

Acceptance of Service of Opinion and Order dated September 10, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 15, 1999.

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**July 24, 2000**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 24th day of July, 2000, Defendant's Preliminary Objections on the grounds of failure to state a cause of action and failure to join an indispensable party are **DISMISSED**. Defendant's Preliminary Objection on the grounds of failure to attach a copy of the writing in question is hereby **GRANTED** with leave of Plaintiff to file an Amended Complaint attaching the policy or alleging grounds for its failure to do so within twenty (20) days from the exit date of this Order. Copies forwarded to Plaintiff and Defendant.

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July 28, 2000

Acceptance of Service of Opinion and Order dated July 24, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 26, 2000.

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August 1, 2000

Acceptance of Service of Opinion and Order dated July 24, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 2000.

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August 8, 2000

\*Second Amended Complaint filed by attorney for Plaintiff. Amount of Claim: Unchanged.

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August 14, 2000

Copy of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant 9/14/00.**

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August 18, 2000

Acceptance of Service of Second Amended Claim filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General.

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September 14, 2000

Defendant's Answer to Plaintiff's Second Amended Complaint, Amended Complaint, and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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October 12, 2000

Motion for Sanction filed by attorney for Plaintiff. Response due from Defendant. 11/7/00. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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October 12, 2000

Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 12, 2000**

Certificate of Service of Set I Request for Admissions Directed to Defendant filed by Plaintiff.

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**November 7, 2000**

Defendant's Response to Plaintiff's Motion for Sanctions filed by attorney for Defendant. Copy given to attorney for Plaintiff by attorney for Defendant.

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**December 11, 2000**

Letter received from attorney for Defendant advising that they mailed to Plaintiff their Answer to Plaintiff's Interr. and Request for Prod. of Documents, Set I, but have not yet forwarded it to the Board.

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**January 11, 2001**

Letter received from attorney Plaintiff advising that they are in receipt of Defendant's answer to Set I Interrogatories and Request for Production of Documents Directed to Defendant.

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**March 30, 2001**

The Board received an Opinion and made the following Order: "AND NOW, this 30th day of March, 2001, upon consideration of Defendant's compliant with Plaintiff's discovery request and of the Plaintiff's request to withdraw its Motion for Sanctions, it is hereby **ORDERED** that the Motion for Sanctions be deemed **MOOT** and **WITHDRAWN**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 4, 2001**

Acceptance of Service of Opinion and Order dated March 30, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 1, 2001.

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**July 2, 2001**

Letter forwarded to parties requesting a status. Due 8/2/01.

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**August 1, 2001**

Letter received from Defendant advising that they intend to schedule depositions and/or serve interrogatories upon the president and certain employees of Plaintiff, as well as auditors involved in this matter to prepare its defense in this action. Defendant further advises that the depositions should be set for September or October.

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**August 2, 2001**

Letter received from Plaintiff requesting a mediation conference be scheduled by the Board. Plaintiff further advises that the allegations and difficulties that have developed in the litigation thus far has made communications difficult between the parties.

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**November 5, 2001**

Letter/Praecipe received from attorney for Plaintiff advising that this matter has been settled between the parties.

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**December 13, 2001**

The Board made the following Order: **AND NOW**, this 13th day of December, 2001, upon receipt of Plaintiff's Praecipe acknowledging resolution of the controversy it is hereby **ORDERED** that the Complaint docketed to Board of Claims No. 2849 is **WITHDRAWN** and **DISMISSED** with prejudice.

It is so **ORDERED**. Copy forwarded to attorney for Plaintiff and Defendant.

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**December 19, 2001**

Acceptance of Service of Opinion and Order dated December 13, 2001, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 2001.

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**December 26, 2001**

Acceptance of Service of Opinion and Order dated December 13, 2001, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 26, 2001.

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**CLOSED**

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